

REMARKS

Claims 1, 3-14 and 19-24 are pending in the application. Favorable reconsideration of the application is respectfully requested.

Claim rejections - 35 U.S.C. Section 102

Claims 1, 3-11, 19-20, 22 and 24 stand rejected under 35 U.S.C. Section 102(b) as being anticipated by Laverty et al., U.S. Pat. No. 5,508,510 ("Laverty I"). Applicants traverse the rejection. In order to make out a prima facie rejection under Section 102(b), the Office Action must cite a reference that teaches all the limitations of the claims. In this rejection, at least as for independent Claims 1, 3 and 4, the Office Action does not cite Laverty as teaching a handheld device, and also does not cite Laverty as teaching an attention signal or initiation command, or a broadcast signal, as claimed. Accordingly, the Office Action fails to make out a prima facie rejection.

Independent Claims 1, 3 and 4 distinguish over Laverty I because Laverty I teaches only a portable device, not a handheld device. See col. 2, lines 50-51, and col. 4, lines 1-5. A portable device could be, for instance, a minicomputer mounted on a cart and wheeled to Laverty's fixed units for calibration and adjustment. Thus, Laverty I does not teach, explicitly or inherently, at least this limitation of Claims 1, 3 and 4. In addition, Laverty does not teach an apparatus configured for an attention signal as recited in Claims 1 and 4, or an initiation command as recited in Claim 3. Accordingly, Laverty does not anticipate independent Claims 1, 3 and 4. Dependent Claims 5-11 and 19-24 depend from

Claim 1 and are allowable because Claim 1 is allowable. The Examiner is requested to withdraw the rejections.

Claim rejections - 35 U.S.C. Section 103

1. Claims 1, 4, 7-11, 13 and 23 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Lange et al., U.S. Patent No. 4,916,613 ("Lange") in view of Laverty, Jr. et al., U.S. Patent No. 5,769,120 ("Laverty II"). As admitted in the Office Action, p. 4, lines 15-17, Lange does not teach the use of a handheld device. Lange teaches only the use of infrared transmitters and receivers. Lange does not teach or suggest that the second device is so much as portable. In other words, in Lange, the control unit may very well be in an electronics shop, with the remote units being programmed in the shop before installation at their place of use. Lange teaches that the remote units (at a sink, for instance) are in continual communication with a control unit for determining the state of the battery at the remote unit. See col. 2, lines 3-26. In any event, Lange teaches only that the state of the battery is continually checked, not that the remote devices may be programmed by a portable control device.

The Office Action then cites Laverty II, Fig. 13, for the proposition that it is "well known in the art" to use a handheld device, and states that one would be motivated to combine Laverty II with Lange in order to use a handheld device for interrogating rinsing systems. Office Action, p. 4, lines 23-25. In this instance, however, the remote units of Lange are already in continual contact with the control system, and there is no need to use a handheld device for interrogating the remote devices. One would not be motivated

to use a handheld device to interrogate Lange's remote devices because they are already in continuous contact with the control device. Calibration and adjustment of Lange's devices could thus be accomplished remotely, via the continuous IR link without the need for a hand-held device to individually interrogate and calibrate the remote units.

Accordingly, there is insufficient motivation to combine the references, and the Office Action fails to make out a *prima facie* case of obviousness against at least Claims 1 and 4. Claims 7-11, 13 and 23, depend from Claim 1, are allowable at least because they depend from Claim 1.

In addition, several of the dependent claims recite limitations that are not taught or suggested in the references. For example, the Claim 23 limitation of the duration of the attention signal is not taught or suggested in Lange. The passage cited in the Office Action, col. 4, lines 50-51, simply states that the timing of different pulses, a pulse table, may be stored in a pulse table control circuit. There is no disclosure of an attention signal, and no disclosure that the attention signal should have a greater duration than a normal pulse signal. Accordingly, at least Claim 23 is allowable for this additional reason.

2. Claims 12 and 21 stand rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Pat. No. 5,508,510 to Laverty et al. ("Laverty I") in view of U.S. Pat. No. 6,125,482 to Frank Foster ("Foster"). Claims 12 and 21 are dependent upon Claim 1 which distinguishes over Laverty I for the reasons given above. Foster discloses transmitting past operation data over a communication link, namely a cable, and thus

does not cure the deficiency of Lavery I in making obvious the invention of Claims 1, 12 and 21. Foster's cable actually teaches away from the use of a hand-held device, since calibration or adjustment may take place via communication with the cable without the need for a portable or a hand-held device. Lavery I does not teach hand-held devices, only portable devices, which could be eliminated by Foster's cable. Therefore, Claims 12 and 21 are not obvious in view of Lavery I and Foster, and are patentable, as is Claim 1.

In addition, Foster does not teach or suggest at least the limitations of Claim 21, a threshold detector. The passage cited in the Office Action, Foster, col. 7, lines 65-67, states that the range of an IR sensor may be adjusted by varying a threshold, i.e., a signal strength. There is no teaching or suggestion, however, of an additional sensor, i.e., a threshold detector. Accordingly, the references do not teach at least this additional limitation of Claim 21, which is therefore allowable.

3. Claim 14 stands rejected under 35 U.S.C. Section 103(a) as being unpatentable over Lavery I in view of admitted prior art. Claim 14 is allowable at least because it depends from allowable Claim 1.

Summary

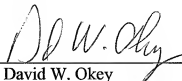
In summary, Claims 1, 3-14 and 19-24 are believed to be allowable for all of the reasons given above. These claims remain pending and are in condition for allowance. Applicants respectfully request entry of the present Amendment and reconsideration of the application, with an early and favorable decision being solicited. Should the

Examiner believe that prosecution of the application could be expedited, the Examiner is requested to call Applicants' undersigned attorney at the number listed below.

Respectfully submitted:

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